

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION

CIVIL NO. 5:21-CV-00175

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	VERIFIED COMPLAINT FOR
)	FORFEITURE <i>IN REM</i>
APPROXIMATELY \$27,300.00 IN U.S.))	
CURRENCY seized from Blanca)	
Guardado on or about July 14, 2021, in)	
Catawba County, North Carolina,)	
)	
Defendant.)	

NOW COMES the United States of America, Plaintiff herein, by and through Dena J. King, United States Attorney for the Western District of North Carolina, in a civil cause of forfeiture, and respectfully states the following:

NATURE OF ACTION

1. This is a civil action *in rem* against approximately \$27,300.00 in United States Currency (“the Defendant Currency”) seized from Blanca Guardado on or about July 14, 2021, in Catawba County, North Carolina.

JURISDICTION AND VENUE

2. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1345 and 1355.

3. This Court has *in rem* jurisdiction over the Defendant Currency, and venue is proper pursuant to 28 U.S.C. § 1355(b)(1) because acts or omissions giving rise to the forfeiture occurred in the Western District of North Carolina.

4. Venue is also proper pursuant to 28 U.S.C. § 1395 because the Defendant Currency is located in the Western District of North Carolina.

5. The Defendant Currency was seized within and is now within the Western District of North Carolina.

BASIS FOR FORFEITURE

6. This civil action is brought against the Defendant Currency because it constitutes money furnished or intended to be furnished by any person in exchange for a controlled substance or listed chemical in violation of 21 U.S.C. §§ 841 and/or 846, proceeds traceable to such an exchange, and/or money used or intended to be used to facilitate a violation of 21 U.S.C. §§ 841 and/or 846, and is therefore subject to forfeiture pursuant to 21 U.S.C. § 881(a)(6).

FACTUAL BACKGROUND

Investigation of Victor Moroch-Rodriguez's Drug Trafficking Activities

7. In 2021, the Hickory Police Department, the Bureau of Alcohol, Tobacco, and Firearms (“ATF”), and Homeland Security Investigations (“HSI”)

conducted an investigation concerning the drug trafficking activities of Victor Morocho-Rodriguez.

8. On March 24, 2021, Morocho-Rodriguez sold approximately 16.8 grams of cocaine to a confidential informant.

9. On April 15, 2021, Morocho-Rodriguez sold approximately 28 grams of cocaine to a confidential informant.

10. On April 26, 2021, Morocho-Rodriguez sold approximately 59 grams of cocaine to a confidential informant.

11. On June 22, 2021, Morocho-Rodriguez sold approximately 15 grams of cocaine to a confidential informant.

12. On July 13, 2021, pursuant to a consensual search of Morocho Rodriguez's business address located at 627 4th Street SW, Hickory, NC 28602, law enforcement seized approximately 2,534 grams of cocaine from Morocho-Rodriguez, along with drug paraphernalia. Morocho-Rodriguez had planned to sell this cocaine for approximately \$98,000.

13. On July 20, 2021, a federal grand jury in the Western District of North Carolina issued a five-count indictment charging Morocho-Rodriguez with drug trafficking violations stemming from the above-referenced controlled

purchases that occurred on March 24, 2021, April 15, 2021, April 26, 2021, June 22, 2021, and July 13, 2021.

July 14, 2021 Traffic Stop of Blanca Guardado

14. On July 14, 2021, investigators conducted surveillance at Morocho-Rodriguez's residence located at 837 E 11th Street, Newton, NC, where Morocho-Rodriguez's wife, Blanca Guardado, also lived.

15. Guardado departed from the residence in a white Honda Odyssey minivan.

16. Deputy Grant with the Catawba County Sheriff's Office followed Guardado. Guardado crossed the double yellow lines on North Main Avenue and failed to stay in her lane. Deputy Grant initiated a traffic stop of the vehicle.

17. During the traffic stop, a trained and certified law enforcement narcotics K-9 conducted an open air scan of the vehicle operated by Guardado. The K-9 positively alerted to the presence of narcotics on the vehicle.

18. During a probable cause search of the vehicle, law enforcement located the Defendant Currency.

19. Law enforcement utilized a trained and certified narcotics K-9 to conduct a line sniff of the Defendant Currency. The K-9 positively alerted to the presence of narcotics on the Defendant Currency.

20. Guardado is unemployed. Since 2017, Guardado has no reported income.

21. Guardado's criminal history includes charges of grand theft, shoplifting, and petit larceny.

ADMINISTRATIVE FORFEITURE

22. The Defendant Currency was seized and converted to a cashier's check payable to the U.S. Marshals Service.

23. ATF timely adopted the seizure of the Defendant Currency and initiated an administrative forfeiture action against the Defendant Currency.

24. On September 7, 2021, Guardado and Morocho-Rodriguez filed claims as to the Defendant Currency.

25. The United States now files this Complaint in response to those claims.

26. The following persons may have or claim an interest in the Defendant Currency:

Blanca Guardado
837 East 11th Street
Newton, NC 28658

Victor Morocho-Rodriguez
837 East 11th Street
Newton, NC 28658

CONCLUSION

27. By virtue of the foregoing, all right, title, and interest in the Defendant Currency vested in the United States at the time of the commission of the unlawful act giving rise to forfeiture, 21 U.S.C. § 881(h), and has become and is forfeitable to the United States of America.

PRAYER FOR RELIEF

WHEREFORE, the United States of America respectfully prays the Court that:

- (1) a warrant for the arrest of the Defendant Currency be issued;
- (2) due notice be given to all parties to appear and show cause why the forfeiture should not be decreed;
- (3) judgment be entered declaring the Defendant Currency to be condemned and forfeited to the United States of America for disposition according to law; and
- (4) the United States be granted such other and further relief as this Court may deem just and proper, together with the costs and disbursements of this action, including but not limited to the expenses of maintenance and protection of the Defendant Currency as required by 28 U.S.C. § 1921.

Respectfully submitted this 6th day of December, 2021.

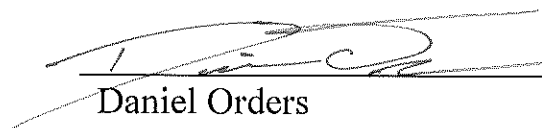
DENA J. KING
UNITED STATES ATTORNEY

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VERIFICATION

I am a Task Force Officer with the Bureau of Alcohol, Tobacco, Firearms and Explosives. Pursuant to 28 U.S.C. § 1746, I hereby verify and declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.

Date: 12/06/2021



Daniel Orders
ATF Task Force Officer